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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,323	01/09/2004	Brett W. Sareyka	0326	7488

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EXAMINER
CHAPMAN, JEANETTE E

ART UNIT 3635
PAPER NUMBER

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/754,323	Applicant(s) SAREYKA ET AL.	
	Examiner Chapman E. Jeanette	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 October 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Sauer (4317641).

Sauer discloses a connector 14 that is stabbed through a slot 6 in a main beam 1 in a suspended ceiling grid to lock with an opposing identical connector 14 already in the slot and that has a cantilevered spring locking latch 26 integral with and in a relaxed position, extends away from the base of the connector. The improvement comprising a locking latch 26 that in a relaxed position extends away from the base in an arc. See figure 4. When the connector is stabbed through the slot 6, the cantilevered or spring latch is forced by a side of the slot 6 to flex along the arc toward the base to permit the latch to pass through the slot and when the connector 14 has been stabbed through the slot, the cantilevered or spring latch 26 flexes along the arc back to the relaxed position wherein it extends away from the base of the arc

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-9 (is/are) rejected under 35 U.S.C. 103(a) as being unpatentable over Sauer. Sauer lacks the radius arc and the dimensions of the latch shown in applicant's figure 2a. However, one of ordinary skill in the art would have found it of routine skill to select a radius and dimensions permitting the connector and locking latch to operate optimally and as intended .

The claims are directed to an article. The claims are replete with recitations of method of use and method of connecting. The delay in the contact between the side of the slot and the locking latch is a method of use limitation. Very little is further recited regarding the structure. Given the claims are directed to an article , very little structural limitations are given, and as much as Sauer includes the same limitations of the claims, the method limitations have been considered to be met by the disclosure of Sauer, and hence, there is a delay in contact between the side of the slot and the locking latch and the following:

- during which delay a taper on the connector being stabbed through the slot, positions the connector vertically within the slot more quickly than without delay. Also see figures 6-7 and accompanying text.
- During which delay the lateral friction created between the connector already in the slot and the connector that is being stabbed through the slot is substantially reduced from the lateral friction created without delay
- So that during the delay the connector being stabbed through the slot can be adjusted vertically to a position where I locks with the connector already in the slot; see column 3, lines 27-47

- Less force over a shorter distance is required with the improvements set forth above to lock the connectors to each other and to the main beam than is required without the improvements

Response to Arguments

Applicant's arguments are moot in view of the new ground of rejection

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chapman E. Jeanette whose telephone number is 571-272-6841. The examiner can normally be reached on Mon.-thursday, 8:30-6:00, every fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Friedman Carl can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JEANETTE CHAPMAN
Primary Examiner
Art Unit 3635